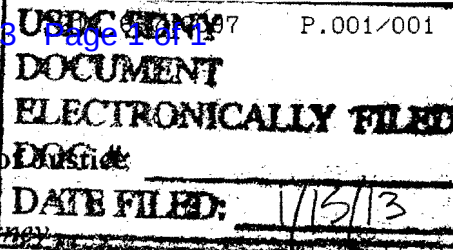




U.S. Department of Justice

United States Attorney  
Southern District of New YorkThe Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 10, 2013

**BY FACSIMILE**The Honorable Deborah A. Batts  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2510  
New York, New York 10007Re: Vernon Adderley v. United States  
04 Civ. 2761 (DAB)  
99 Cr. 574 (DAB)

Dear Judge Batts:

**MEMO ENDORSED**

The Government respectfully submits this letter to request appointment of counsel for Vernon Adderley in connection with his pending petition under Federal Rule of Civil Procedure 60(b)(6). The Government's response to the defendant's petition is due tomorrow, January 11, 2013. The Government has now closely considered the claims raised in the defendant's petition. While we believe the petition to be untimely, procedurally barred, and otherwise inappropriate for the relief sought, the defendant has raised what appear to be non-frivolous issues concerning his designation as a Career Offender under the Sentencing Guidelines. Accordingly, the Government respectfully requests that the Court appoint CJA counsel to represent the defendant in connection with the instant petition and grant an additional 90 days for the Government to respond, so that the Government can discuss these issues with an attorney and come to an appropriate resolution.

**MEMO ENDORSED**

Respectfully submitted,

PREET BHARARA  
United States Attorney

By:

  
Christian R. Everdell  
Assistant United States Attorney  
(212) 637-2556
**SO ORDERED**

DEBORAH A. BATTIS  
UNITED STATES DISTRICT JUDGE

1/15/13

Granted.  
Matter is  
referred  
to Magistrate  
Judge for  
appointment  
of non-  
conflicted  
counsel  
prior to  
1/29/13.  
/DAB/  
1/15/13